

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

RADIANCE, INC.,

Plaintiff,

v.

TWIN CITY FIRE INSURANCE COMPANY,

Defendant.

CIVIL ACTION NO. 10-10120-RGS

**TWIN CITY FIRE INSURANCE COMPANY’S RESPONSE TO RADIANCE, INC.’S
STATEMENT OF UNDISPUTED FACTS PURSUANT TO LOCAL RULE 56.1**

Defendant Twin City Fire Insurance Company (“Twin City”) submits the following in response to the numbered paragraphs of Plaintiff Radianse, Inc.’s (“Radianse”) Statement of Undisputed Facts:

1. Twin City does not dispute the facts contained in Paragraph 1 or the authenticity of Exhibit A to the Deneke Affidavit.
2. Twin City does not dispute the facts contained in Paragraph 2 or the authenticity of Exhibit B to the Deneke Affidavit.
3. The Complaint speaks for itself.
4. The Complaint speaks for itself.
5. The Complaint speaks for itself.
6. The Complaint speaks for itself. Furthermore, Radianse’s summary is inaccurate (or at least imprecise). The Complaint alleges that “*following* Marcou’s resignation from AccountAbility, Radianse approached Marcou to ‘request that she continue to provide services to Radianse.’” (¶38) (emphasis added).

7. The Complaint speaks for itself. Furthermore, Radianse's summary is imprecise. AccountAbility asserted claims for "Tortious Interference With Contractual Relations And Inducement Of Breach of Contract" and violation of G.L. c. 93A.

8. The Complaint speaks for itself.

9. The Complaint speaks for itself.

10. Twin City does not dispute the facts contained in Paragraph 10 or the authenticity of Exhibit C to the Deneke Affidavit.

11. Twin City's letter speaks for itself.

Dated: September 10, 2010

Respectfully submitted,

TWIN CITY FIRE INSURANCE COMPANY

By its attorneys,

/s/ Craig E. Stewart

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CERTIFICATE OF SERVICE

I, Craig E. Stewart, hereby certify that a true and accurate copy of the foregoing document has been filed and served through the Court's electronic filing system this 10th day of September, 2010.

/s/ Craig E. Stewart